

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS MARIA-AGUADO,

Defendant.

8:19-CR-229

TRIAL ORDER

The government has moved to continue the jury trial currently set to begin on September 14, 2020. [Filing 49](#). But this case has been pending for over a year, and the deadline for filing pretrial motions and the trial itself have already been continued several times. [Filing 20](#); [filing 22](#); [filing 41](#). And the case has been further delayed by the defendant's prior indication that he intended to change his plea, followed by a refusal to do so. *See filing 37*.

This trial has been on the Court's calendar since July 2, 2020, *see filing 41*, providing plenty of notice to the parties to ensure that their witnesses are available for a trial to begin on September 14. And the Court has made its own preparations to ensure that trial can begin on that date, given the crowded trial calendar and limited facilities available as a consequence of the COVID-19 pandemic.

In sum, the Court finds that the government has shown insufficient cause to undo the arrangements that have already been made in anticipation of a September 14, 2020 trial date. Accordingly,

IT IS ORDERED:

1. The government's motion to continue ([filing 49](#)) is denied.

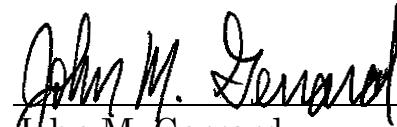
2. The above-captioned criminal case is set for a jury trial before the undersigned judge in Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE, commencing at 9:00 a.m. on Monday, September 14, 2020, or as soon thereafter as the case may be called.
3. A pretrial conference or teleconference is scheduled to be held before the undersigned judge in chambers (or by teleconference) at 2:30 p.m. on Thursday, September 10, 2020. If a teleconference is requested, an email will be sent to counsel of record with instructions for participating in the pretrial conference.
4. The filing, briefing, and hearing of pretrial motions, including *ex parte* motions and applications, shall be governed by NECrimR [12.1](#) to [12.6](#). Motions shall be filed on or before Wednesday, September 9, 2020. Counsel must immediately notify the Court of any pretrial motion requiring an evidentiary hearing outside the presence of the jury.
5. Counsel shall inform the Court that a defendant has elected to change his or her plea within 5 days before trial or as soon as practicable.
6. The plaintiff shall file and serve on opposing counsel on or before Wednesday, September 9, 2020, as appropriate, all proposed jury instructions, trial briefs, suggested verdict forms, and witness lists. In particular, the plaintiff's witness list shall include the full name and address of each witness whom the party may call to testify at trial.

7. The defendant is also encouraged to provide the Court, on or before Wednesday, September 9, 2020, proposed jury instructions and a trial brief. Any materials so submitted shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
8. Exhibits must be listed before trial on exhibit forms available from the Clerk's office or on the Court's external web page at <http://www.ned.uscourts.gov/forms>. The exhibits should be numbered as provided by NECrimR [12.7](#).
9. The courtroom deputy will take custody of the exhibits after they are received by the Court.
10. Parties shall deliver to the Court, on or before Wednesday, September 9, 2020, trial copies of all exhibits in a three-ring binder organized for use by dividers or tabs. Exhibit binders shall be delivered to the Clerk of the Court in the Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE. Exhibits provided by the defendant shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
11. At 9:00 a.m. on the first day of trial, the Court will meet with counsel and clients, on the record in the courtroom. This will be an opportunity to dispose of any motions and last minute matters, prior to trial. Voir dire will commence immediately thereafter.
12. Each subsequent day of trial will begin at 8:45 a.m. unless the Court directs otherwise.

13. Questioning of witnesses will be limited to direct examination, cross-examination, and redirect examination unless the Court allows further examination.
14. The Court will conduct an initial voir dire of the prospective panel. Counsel will be permitted to conduct follow-up voir dire in areas not covered by the Court's examination or in an area which may justify further examination in view of a prospective juror's response during the Court's voir dire.
15. Witnesses who do not appear to testify when scheduled will be considered withdrawn. The trial will then proceed with the presentation of any remaining evidence.
16. A list of the equipment available in the courtroom, and a virtual tour of the courtroom, is available on the Court's external web page at <http://www.ned.uscourts.gov/attorney/courtroom-technology>.
17. Counsel shall notify the courtroom deputy at least a week in advance if the services of an interpreter will be required for a hearing or trial.

Dated this 2nd day of September, 2020.

BY THE COURT:



John M. Gerrard
Chief United States District Judge